

REMARKS

I. Introduction

Claims 1, 2 and 4-12 remain pending in this application.

II. Rejection of Claims 1-2 and 6-8 under 35 U.S.C. § 103(a)

Claims 1-2 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono '677 (JP 2000-284677A) in view of Ono '461 (U.S. Patent Application Publication US 2002/0021461 A1) and Kadowaki (U.S. Patent No. 6,522,311).

To establish a *prima facie* case of obviousness, the Office Action must demonstrate three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claim 1 recites, in relevant parts, an “image display apparatus” which includes “a main body in which the display element, the projecting optical system and the diffusive hologram screen are arranged, wherein the main body has a grip portion to allow an operator to hold the main body in front of the operator.” In support of the rejection, the Examiner cites Kadowaki as teaching the claimed feature that “the main body has a grip portion to allow an operator to hold the main body in front of the operator.” In particular, the Examiner contends that element 7 (the entire vehicle body shown in Fig. 28 of Kadowaki) is equivalent to the claimed “main body,” and that the steering wheel shown in Fig. 28 teaches the claimed “grip portion to allow an operator to hold the main body in front of the operator.” (Office Action, p. 5). However, this interpretation asserted by the Examiner not only completely ignores the plain language of claim 1, but also completely contradicts the reasonable interpretation that one of ordinary skill in the art would reach, as explained in greater detail below.

Applicant notes that the “broadest reasonable interpretation” of a claim is not made in vacuum; instead, the long-standing rule of claim interpretation is that the pending claims should be given the broadest reasonable interpretation **that is consistent with the specification and the**

interpretation that those skilled in the art would reach. (See M.P.E.P. 2111, citing In re Hyatt, 211 F.3d 1367 (Fed. Cir. 2000), and In re Cortright, 165 F.3d 1353 (Fed. Cir. 1999)). Initially, Applicant respectfully submits that there is no reasonable way to interpret a vehicle body as being equivalent to the claimed “main body,” particularly since it is absolutely clear from the claim language of claim 1 that the “main body” is the main body of “the image display apparatus.” The fact that “main body” refers to the main body of the “image display apparatus” is clearly described in the Specification, e.g., p. 21 ff., referring to main body 11 of the image display device shown in Figs. 11-14. Furthermore, to the extent one considered for the sake of argument that element 7 (the entire vehicle body shown in Fig. 28 of Kadowaki) is somehow equivalent to the claimed “main body” (which interpretation is clearly illogical), and that the steering wheel shown in Fig. 28 of Kadowaki is somehow equivalent to a “grip portion,” the steering wheel of Kadowaki clearly does not “allow an operator to hold the main body (the entire vehicle body) in front of the operator”; instead, the operator of the steering wheel shown in Kadowaki is merely sitting in the alleged “main body.”

For at least the foregoing reasons, Applicant submits that there is no reasonable way to interpret the teachings of Kadowaki as applied against the present claimed invention such that Kadowaki teaches “a main body” of an “image display apparatus,” which main body includes “the display element, the projecting optical system and the diffusive hologram screen are arranged,” and “wherein the main body has a grip portion to allow an operator to hold the main body in front of the operator.” Furthermore, since the Examiner admits that the combination of Ono ‘677 and Ono ‘461 clearly does not teach “a main body” of an “image display apparatus,” which main body includes “the display element, the projecting optical system and the diffusive hologram screen are arranged,” and “wherein the main body has a grip portion to allow an operator to hold the main body in front of the operator,” Applicant submits that the combination of Ono ‘677, Ono ‘461 and Kadowaki clearly fails to render claim 1 obvious.

For at least the foregoing reasons, claim 1 and its dependent claims 2 and 6-8 are patentable over Ono ‘677, Ono ‘461 and Kadowaki. Withdrawal of this obviousness rejection is respectfully requested.

III. Rejection of Claim 4 under 35 U.S.C. § 103(a)

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono '677 in view of Ono '461 and Kadowaki as applied to claim 1 above, and further in view of Kanda (U.S. Patent No. 6,198,554).

Claim 4 depends on independent claim 1. As discussed above, the combination of Ono '677, Ono '461 and Kadowaki clearly fails to render claim 1 obvious. In addition, Kanda fails to remedy the deficiencies of Ono '677, Ono '461 and Kadowaki as applied against parent claim 1. Accordingly, even if one assumed for the sake of argument that there were some motivation to combine the teachings of Ono '677, Ono '461, Kadowaki and Kanda, the resulting combination would fail to render obvious claim 4, which depends on claim 1.

IV. Rejection of Claim 5 under 35 U.S.C. § 103(a)

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono '677 in view of Ono '461 and Kadowaki as applied to claim 1 above, and further in view of Seufert (U.S. Patent No. 5,897,192).

Claim 5 depends on independent claim 1. As discussed above, the combination of Ono '677, Ono '461 and Kadowaki clearly fails to render claim 1 obvious. In addition, Seufert fails to remedy the deficiencies of Ono '677, Ono '461 and Kadowaki as applied against parent claim 1. Accordingly, even if one assumed for the sake of argument that there were some motivation to combine the teachings of Ono '677, Ono '461, Kadowaki and Seufert, the resulting combination would fail to render obvious claim 5, which depends on claim 1.

V. Rejection of Claim 9 under 35 U.S.C. § 103(a)

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono '677 in view of Ono '461 and Kadowaki as applied to claim 1 above, and further in view of Hildebrand (U.S. Patent No. 6,094,181).

Claim 9 depends on independent claim 1. As discussed above, the combination of Ono '677, Ono '461 and Kadowaki clearly fails to render claim 1 obvious. In addition, Hildebrand fails to remedy the deficiencies of Ono '677, Ono '461 and Kadowaki as applied against parent

claim 1. Accordingly, even if one assumed for the sake of argument that there were some motivation to combine the teachings of Ono '677, Ono '461, Kadowaki and Hildebrand, the resulting combination would fail to render obvious claim 9, which depends on claim 1.

VI. Rejection of Claim 10 under 35 U.S.C. § 103(a)

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono '677 in view of Ono '461 and Kadowaki as applied to claim 1 above, and further in view of Hockley (U.S. Patent No. 5,046,793).

Claim 10 depends on independent claim 1. As discussed above, the combination of Ono '677, Ono '461 and Kadowaki clearly fails to render claim 1 obvious. In addition, Hockley fails to remedy the deficiencies of Ono '677, Ono '461 and Kadowaki as applied against parent claim 1. Accordingly, even if one assumed for the sake of argument that there were some motivation to combine the teachings of Ono '677, Ono '461, Kadowaki and Hockley, the resulting combination would fail to render obvious claim 10, which depends on claim 1.

VII. Rejection of Claims 11-12 under 35 U.S.C. § 103(a)

Claims 11-12 were rejected Under 35 U.S.C. § 103(a) as being unpatentable over Ono '677 in view of Ono '461 and Kadowaki as applied to claim 1 above, and further in view of Hildebrand.

Claims 11 and 12 both recite “an image display apparatus according to claim 1.” As discussed above, the combination of Ono '677, Ono '461 and Kadowaki clearly fails to render the image display apparatus of claim 1 obvious. In addition, Hildebrand fails to remedy the deficiencies of Ono '677, Ono '461 and Kadowaki as applied against claim 1. Accordingly, even if one assumed for the sake of argument that there were some motivation to combine the teachings of Ono '677, Ono '461, Kadowaki and Hildebrand, the resulting combination would fail to render obvious claims 11 and 12.

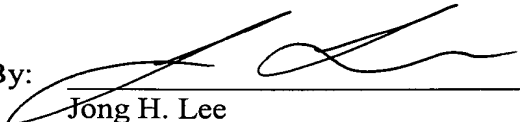
Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims 1, 2 and 4-12 are in condition for immediate allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: January 4, 2006

By:


Jong H. Lee
Reg. No. 36,197

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO 26646